

RECEIVED

SEP 21 2010
ml
TONY A. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

JAMES CUMMINGS
LA. DOC # 80360
VS.

WARDEN N. BURL CAIN

CIVIL ACTION 09-1901

SECTION P

JUDGE TRIMBLE

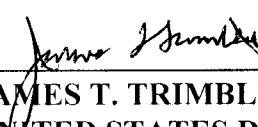
MAGISTRATE JUDGE KAY

JUDGMENT

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that this petition for *habeas corpus* be **DISMISSED WITH PREJUDICE** as time-barred by the provisions of 28 U.S.C. §2244(d).

THUS DONE AND SIGNED, in chambers, in Lake Charles, Louisiana, on this 21st day of September, 2010.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE